

Remarks

Claims 18-27 are believed to remain pending in this application as opposed to claims 18-28. Specifically, in the Office Action of January 3, 2007, Invention I was identified as claims 18-28. In the Response to Restriction requirement dated March 30, 2007, an election was made to prosecute Invention I, claims 18-28. However, it is believed, upon review, that Invention I should be claims 18-27 as noted above, which the Examiner may confirm in the next Office Action.

Claim 18 recites that the container body has two sections, each section having wall portions, said wall portions having inner and outer wall surfaces. Accordingly, claim 18 has been amended to more clearly point out that “said inner wall surface of one section (is) joined to said outer wall surface of the other section by first and second welded seams”. Support may be found in **FIG. 8** which although not having numerical call-outs, clearly shows that the inner wall surface of the upper wall portion 17 is joined to the outer surface of the lower wall portion 17. Accordingly, no new matter has been entered.

Claims 18-27 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,715,626. To resolve this issue, Applicants note that the present United States Application No. 10/805,784 is commonly owned by SIG Blowtec GmbH & Co. KG, as recorded at the U.S.P.T.O. Accordingly, upon indication of allowable subject matter, Applicants are prepared to supply a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) or 1.321(d) to obviate the provisional double patenting rejection that has been entered in this case.

Claims 22, 23, 27 and 28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to the “process” language recited therein. Claims 22, 23 and 27 have been amended to correct this issue. Claim 28 is believed withdrawn. Accordingly, no new matter has been entered.

Claims 18, 19, 22 and 28 stand rejected under 35 U.S.C. § 103(e) as being anticipated by Richter (USP 7,090,091). Claim 28 is believed withdrawn. To the extent that the rejection remains applicable to the amended claims herein, Applicants note as follows.

Richter appears to be directed at a container composed of two “shell-like” end parts

each having a ring-shaped flat contact surface and at least one sleeve-like middle part composed of two ring segments. **FIG.3** of Richter illustrates the inner surfaces of both inner wall **10** and outer wall **11** being joined and the outer surfaces of both outer wall **10** and end part **4** being joined. (Emphasis added.) The Office Action had taken the position that **FIG. 3** in the U.S. '091 patent discloses a first **13** and second **14** welded seam. Applicants do not understand items **13** and **14** to be welded seams. Richter at column 3 lines 12-13 identifies **13** as an inclination and **14** as a V-shaped welding groove.

Further, the Office Action appears to have suggested that reference numeral **10** is an outer wall surface and **11** is an inner wall surface. Richter identifies **10** and **11** as inner and outer walls, respectively. Richter does not specify what surfaces of such walls are joined together.

Finally, the Examiner has taken the position that a duct **17** (should be **7** as **17** is not referenced in the specification and may be shown in error in **FIG. 3**) separates the welded seams. Richter identifies **7** as a chamber which may be filled with concrete so that the stability of the container is improved.

In addition, the Office Action has suggested that the reference shows an inner wall of one section is joined to the outer wall of the other section. This also does not appear to be the case. In Richter, the inner wall **11** of a part **2** rests against the outer wall **10** of that same part, and not of the other part **4**.

Thus, in view of amended claim 18, Richter does not teach or suggest "a container body having two sections, each section having wall portions, said wall portions having inner and outer wall surfaces, said inner wall surface of one section joined to said outer wall surface of the other section by first and second welded seams, wherein said first and second welded seams are separated by a duct, said duct extending in the longitudinal direction of said wall portions, and means for filling the duct with air and venting same of air."

Richter does not does not disclose an inner wall surface of one section joined to said outer wall surface of the other section by first and second welded seams. Richter instead discloses an inner wall of one part resting against the outer wall of that same part. Richter further discloses an end part and a middle part being welded together along their outer (and thicker) respective walls. Finally, Richter does not teach or suggest a duct and means for filling

the duct with air and venting same of air.

Dependent claims 19-27 depend directly or indirectly from amended claim 18 and are believed to be similarly distinguished.

As the feature of an inner wall surface of one section joined to an outer wall surface of the other section by first and second welded seams is completely missing from the cited reference, it is believed that the cited reference does not support a rejection under 35 USC § 102/103.

In consideration of the amendments to the claims and the remarks hereinabove, Applicants respectfully submit that all claims currently pending in the application are believed to be in condition for allowance. Allowance at an early date is respectfully solicited.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,

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